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FILED & ENTERED

OCT 30 2017

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY bakchell DEPUTY CLERK

NOT FOR PUBLICATION

CHANGES MADE BY COURT

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re:

GRAND VIEW FINANCIAL, LLC,

Debtor and Debtor in Possession.

Case No.: 2:17-bk-20125-RK

Chapter 11 Case

**ORDER RE: APPLICATION OF DEBTOR
AND DEBTOR IN POSSESSION TO
EMPLOY LEVENE, NEALE, BENDER,
YOO & BRILL L.L.P. AS BANKRUPTCY
COUNSEL PURSUANT TO 11 U.S.C §
327(a), WITH COMPENSATION
DETERMINED PURSUANT TO 11 U.S.C.
§§ 330 AND 331**

Hearing:

DATE: October 25, 2017

TIME: 11:00 a.m.

PLACE: Courtroom 1675
255 E. Temple St.
Los Angeles, CA 90012

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2 A hearing was held at the above-referenced date, time, and location to consider the
3 *Application Of Debtor And Debtor In Possession To Employ Levene, Neale, Bender, Yoo &*
4 *Brill L.L.P. [“LNBYB”] As Bankruptcy Counsel Pursuant To 11 U.S.C § 327(a), With*
5 *Compensation Determined Pursuant To 11 U.S.C. §§ 330 And 331* (the “Application”) [Dkt.
6 12] filed by Grand View Financial, LLC, the debtor and debtor in possession herein (the
7 “Debtor”). Appearances were made as set forth on the record of the Court.

8 Upon consideration of the Application, notice of the application [Dkt. 13], the
9 supplemental disclosure declaration in support of the Application [Dkt. 36], the objection to
10 the Application (the “Objection”) [Dkt. 39] filed by the United States Trustee, the Debtor’s
11 reply to the Objection [Dkt. 63], the record in this case, and the arguments and comments of
12 counsel at the hearing on the Application, and further based on the Court’s tentative ruling,
13 which is attached hereto,

14 **IT IS HEREBY ORDERED AS FOLLOWS:**

- 15 (1) The Objection is hereby overruled;
16 (2) The Application is hereby approved in its entirety; and
17 (3) The Debtor’s employment of LNBYB as its bankruptcy counsel, at the expense
18 of the Debtor’s estate, pursuant to 11 U.S.C. § 327(a), with compensation determined pursuant
19 to 11 U.S.C. §§ 330 and 331, and upon the terms and conditions set forth in the Application, is
20 hereby approved, effective as of the petition date of August 17, 2017.

21 **IT IS SO ORDERED.**

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24 Date: October 30, 2017



Robert Kwan
United States Bankruptcy Judge

TENTATIVE RULING

The court is inclined to overrule the objection of the United States Trustee and approve the application of employment of Levine Neale Bender Yoo & Brill, LLP, as general bankruptcy counsel for debtor in possession because the evidence does not indicate that the firm holds an adverse interest to the bankruptcy estate or that the firm is not a disinterested party within the meaning of 11 U.S.C. 101(14) simply for the reason that three "former owners", who may be creditors or tenants of debtor, made a prepetition loan to debtor to fund the firm's retainer. The firm is not a creditor of the estate, having not represented it prior to the representation, and did not and do not represent any of these former owner creditors. The firm was retained and paid by debtor, not the former owner creditors, and it does not appear that there is a third party payor situation as in *In re Hathaway Ranch Partnership*, 116 B.R. 208 (Bankr. C.D. Cal. 1990) which involved direct payments by the third party payor to the firm. There is no evidence indicating that the former owner creditors who lent the funds to debtor to pay the firm the retainer have any control or influence over the representation by the firm as counsel for debtor or that the firm has any obligation to the former owner creditors based on their loan to debtor (i.e., nothing in the fee agreement between the firm and debtor indicates any such obligation). Otherwise, it appears retention of the firm is within the reasonable business judgment of debtor to employ the firm as its general bankruptcy counsel under 11 U.S.C. 327. Appearances are required on 10/25/17, but counsel may appear by telephone.

END OF TENTATIVE RULING